

REMARKS

Prior to the entry of this Amendment, the Application included claims 1-25. Claims 1, 16, and 21 have been amended. No claims have been canceled or added. Hence, after entry of this Amendment, claims 1-25 stand pending for examination. Applicant believes that this amendment places the Application in condition for allowance, and respectfully requests that it be entered and the application reconsidered in light of the following remarks.

Claims 1-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,648,222 ("McDonald"), in view of U.S. Patent No. 6,615,190 ("Slater"), in further view of FoodReview's All Food Stamp Benefits to be Issued Electronically ("FoodReview").

§103 Rejections

Independent claims 1, 16, and 21 stand rejected as obvious over McDonald in view of Slater, and in further view of FoodReview. Without acquiescing to the propriety of the rejections, independent claims 1, 16, and 21 have been amended to expedite prosecution. The amendments to each independent claim will be addressed in turn.

Claim 1

Claim 1 has been amended to recite:

an express vending machine . . . comprising . . . a read/write mechanism for: . . . *writing the selected first benefit type to the at least one smart card; and writing the selected second benefit type to the at least one smart card, wherein the first benefit type and the second benefit type are different benefit types and the first benefit type and the second benefit type are present on the at least one smart card at the same time.*

Amendments italicized. Therefore, as amended, *the express vending machine has a read/write mechanism that writes the first and second benefit types to the smart card.* These benefit types

are present on the smart card at the same time. The cited references do not teach, suggest, or otherwise prove obvious such recitations.

Previously, the Examiner employed FoodReview's "smart card system for electronic benefits transfer" to modify McDonald in view of Slater to allegedly prove obvious the recitations of claim 1. *Office Action*, pp. 4, 5. However, as amended, claim 1 requires that a first benefit type *and* a second benefit type be written to a smart card *by the read/write mechanism of an express vending machine*. Further, these benefit types may be present on the smart card at the same time.

FoodReview discloses that "[i]n an off-line or 'smart card' system, information about the recipient's account resides on a microchip embedded in the electronic benefit card rather than in a central computer. The store terminal and benefit card interact to authorize the purchase without contacting a central computer." *FoodReview*, p. 1. "As groceries are purchased, the card's balance is updated to reflect the level of remaining benefits." *Id.* FoodReview does not disclose the possibility of *multiple* different benefits being written to the smartcard *by a read/write mechanism of an express vending machine*. Nor does FoodReview disclose multiple different types of benefits being written on the smartcard *such that they are present at the same time*. Moreover, FoodReview does not make reference to any form of read/write device capable of reading or writing such multiple benefit information on a smart card.

The references of McDonald and Slater, as noted by the Examiner, "fail to teach transferring of monetary benefit value from a benefits database to a smart card and writing the transferred value and benefit type to the smart card." *Office Action*, p. 4. FoodReview only discloses the writing of one benefit type to a smartcard. *See, generally, FoodReview*. Therefore, none of the references, alone or in combination, show an *express vending machine having a read/write mechanism* for writing a first and second benefit type to a smart card.

For at least these reasons, each and every recitation of amended claim 1 is not taught, suggested, or otherwise proved obvious by the cited references of McDonald, Slater, or

FoodReview, considered individually or in combination. Therefore, a *prima facie* case of obviousness is not present. Accordingly, Applicant respectfully requests withdrawal of the §103 rejection of claim 1.

Claim 16

Claim 16 has been amended to recite: “receiving, at another or the same vending machine, *a deposit of* monetary value from the patron unassociated with a particular benefit type” Amendments italicized. As amended, claim 16 is not taught, suggested, or otherwise proved obvious by the cited references, considered individually or in combination.

The Office Action states that previously “this [recitation] can be broadly interpreted as just providing a value of funds to transfer from one account to the benefits storage device and does not recite any depositing of funds. Therefore, this argument is not persuasive.” *Office Action*, p. 5. To address this, Applicant has amended the claims to positively recite the *deposit* of monetary value.

FoodReview, which discusses electronic food stamps on a smart card (*see, generally, FoodReview*), only allows for additional benefits to be added to the smart card via authorized benefit deposits. While McDonald allows for a user to deposit his own value, this value stored remote from the customer’s card. Further Slater explicitly *teaches away* from allowing the customer to deposit his own funds: “The stored value card is issued to a cardholder, who can withdraw funds from the account, *but cannot deposit additional funds in the account.*” *Slater, Abstract*, emphasis added. Only the instant invention, as presented in claim 1, allows for a user to increase the value stored on his smart card through deposit of his own value.

For at least these reasons, each and every recitation of amended claim 16 is not taught, suggested, or otherwise proved obvious by the cited references of McDonald, Slater, or FoodReview, considered individually or in combination. Therefore, a *prima facie* case of

obviousness is not present. Accordingly, Applicant respectfully requests withdrawal of the §103 rejection of claim 16.

Claim 21

Claim 21 has been amended to recite: “transmit data to transfer the at least a portion of the monetary value in the selected first benefit type on the smart card to the selected second benefit type on the smart card, *wherein the first benefit type and the second benefit type are present on the smart card simultaneously.*” Amendments italicized.

As previously detailed, FoodReview discloses that “[i]n an off-line or ‘smart card’ system, information about the recipient’s account resides on a microchip embedded in the electronic benefit card rather than in a central computer. The store terminal and benefit card interact to authorize the purchase without contacting a central computer.” *FoodReview*, p. 1. “As groceries are purchased, the card’s balance is updated to reflect the level of remaining benefits.” *Id.* FoodReview does not disclose the possibility of multiple different benefits being written to the smartcard. Nor does FoodReview disclose multiple different types of benefits being written on the smartcard *such that they are present simultaneously*. Moreover, FoodReview does not make reference to any form of read/write device capable of reading or writing such multiple benefit information on a smart card.

The references of McDonald and Slater, as noted by the Examiner, “fail to teach transferring of monetary benefit value from a benefits database to a smart card and writing the transferred value and benefit type to the smart card.” *Office Action*, p. 4. FoodReview only discloses the writing of one benefit type to a smartcard. *See, generally, FoodReview*. Therefore, none of the references, alone or in combination, show a transit authority computer configured to “transmit data to transfer the at least a portion of the monetary value in the selected first benefit type on the smart card to the selected second benefit type on the smart card, *wherein the first benefit type and the second benefit type are present on the smart card simultaneously.*”

For at least these reasons, each and every recitation of amended claim 21 is not taught, suggested, or otherwise proved obvious by the cited references of McDonald, Slater, or FoodReview, considered individually or in combination. Therefore, a *prima facie* case of obviousness is not present. Accordingly, Applicant respectfully requests withdrawal of the §103 rejection of claim 21.

Claims 2-15, 17-20, and 22-25

Claims 2-15, 17-20, and 22-25 depend, either directly or indirectly, from claims 1, 16, and 21. At least by virtue of their dependence on non-obvious base claims, these claims are likewise non-obvious. Accordingly, Applicant respectfully requests withdrawal of the §103 rejections of claims 2-15, 17-20, and 22-25.

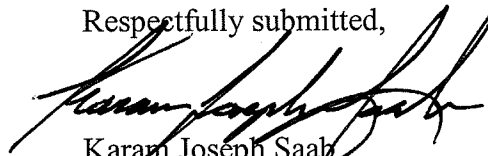
Appl. No. 09/516,949
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Examining Group 3693

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested. Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karam Joseph Saab', written over the typed name and registration number.

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